

ZB# 06-56

Landmaster Harp

65-2-1.1,1.2,1.3

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 12-11-06

06-56

LANDMASTER HARP (COVINGTON EST.)
RT. 300 (AREA & SIGN) (WINGLOVITZ)
(65-2-1.1, 1.2, 1.3)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 65-2-1.1, 1.2 & 3

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

LANDMASTER HARP LLC

AREA

CASE #06-56

WHEREAS, Ross Winglovitz represented the, owner(s) of Landmaster Harp, LLC - Rt. 300, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:

Dwelling Units: 10 ft. Side Yard Setback
10 ft. Rear Yard Setback
8.5 ft. Maximum Building Height

Sign: 2.5 sq. ft. Height
136.75 sq. ft. area

All at proposed Covington Est. on Rt. 300 (Temple Hill Rd) in an R-5 Zone (65-2-1.1, 1.2 & 1.3)

WHEREAS, a public hearing was held on December 11, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Ross Winglovitz represented the Applicant and appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:

- (a) The property consists of a proposed townhouse development located in a zone containing a mixed residential and commercial use and also containing a number of historic properties in an R-5 zone.
- (b) The applicant has received approval from the Planning Board for construction of a number of townhouses, but, it now requests a height variance for interior units because these units are set onto the hill and rear yard variances for the construction of decks on these properties.
- (c) Rear yard variances are required only for two units.
- (d) In constructing the decks and the sign, the applicant will remove no trees or substantial vegetation other than that which has already been disclosed to and approved by the Planning Board.
- (e) Neither the decks nor the sign will create the ponding or collection of water or divert the flow of water drainage.
- (f) Each of the properties has access to the rear and absent the deck, a person occupying that property would be likely to sustain serious physical injury upon exiting the structure without the deck being present.
- (g) None of the decks will encroach upon any easements including, but not limited to, water, sewer or electrical easements.
- (h) The sign will be so placed as not to interfere with the safe operations of motor vehicles on the adjacent roadway.
- (i) The sign's appearance has been disclosed to the Zoning Board and is constructed so as to allow this sign to be in harmony with the historic nature of the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served provided that the sign is constructed substantially in accordance with the design disclosed to the Zoning Board of Appeals at the Public Hearing by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for:

Dwelling Units: 10 ft. Side Yard Setback
10 ft. Rear Yard Setback
8.5 ft. Maximum Building Height

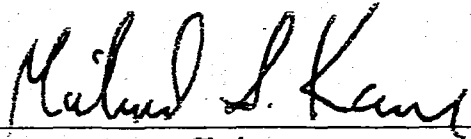
Sign: 2.5 sq. ft. Height
136.75 sq. ft. area

All at proposed Covington Est. on Rt. 300 (Temple Hill Rd) in an R-5 Zone (65-2-1.1, 1.2 & 1.3) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: December 11, 2007


Chairman

Application for Variance

IX.

- 1) An undesirable change will not be produced in the character of the neighborhood and there will not be a detriment to nearby properties if the area variance is granted because the surrounding properties currently contain buildings that have a height of greater than 35 feet. Also, any proposed buildings requiring variances have been placed on the inside of the loop and will not be visible by residents outside the project. Only four decks will be located within the required rear yard and seven in the side yard. The side yard also contains a railroad right-of-way and therefore the nearest deck to a residential property line will be over 90 feet for either the rear yard or side yard variance requested.
- 2) Based on current market conditions, it would be difficult to achieve the benefit by some method other than an area variance. Economic demands in the area call for larger homes which result in the taller buildings, and more private outdoor amenities like a deck.
- 3) The requested area variance is not substantial. We are requesting a variance of 8.5 feet from the maximum building height and 10 feet from the side and rear yard.
- 4) A variance in building height will not cause any additional impact on physical or environmental conditions in the neighborhood as the buildings are not visible. The side and rear yard variance will not have an additional impact to the environment as they are small in mass and scale when compared to the main structure.
- 5) The alleged difficulty is self-created.

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 10/4/06

APPLICANT: Landmaster Harp LLC
PO Box 452
Walden, NY 12586

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/28/06

FOR : Covington Estates

LOCATED AT: NYS Route 300

ZONE: R-5 Sec/ Blk/ Lot: 65-2-1.1, 65-2-1.2 & 65-2-3

DESCRIPTION OF EXISTING SITE: Propsoed Multiple Dwellings (Townhouses)

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-45B Freestanding signs 1-6ft high and 20sqft all faces permitted. A variance of 2.5height & 136.75sqft is required.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-5 USE:

SIGN:

FREESTANDING: 6ft high/20sqft 8.5high/156.75sqft 2.5high/136.75sqft

HEIGHT:

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 10/4/06

APPLICANT: Landmaster Harp LLC
PO Box 452
Walden, NY 12586

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/28/06

FOR : Covington Estates

LOCATED AT: NYS Route 300

ZONE: R-5 Sec/ Blk/ Lot: 65-2-1.1, 65-2-1.2 & 65-2-3

DESCRIPTION OF EXISTING SITE: Proposed Multiple Dwellings (Townhouses)

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 Use/Bulk Table R-5 Zone Line 7 Proposed Townhouses will require a variance for rear yard (10ft), side yard (10ft) and maximum building height (8.5ft).

Louis J. Kyber
BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-5 USE:		
MIN LOT AREA:		
MIN LOT WIDTH:		
REQ'D FRONT YD:		
REQ'D SIDE YD: 35ft	25ft	10ft
REQ'D TOTAL SIDE TD:		
REQ'D REAR YD: 100ft	90ft	10ft
REQ'D FRONTAGE:		
MAX BLDG HT: 35ft	43.5ft	8.5ft
FLOOR AREA RATIO:		
MIN LIVABLE AREA:		
DEV COVERAGE:		

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 04-17-07
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 332.41 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-56

NAME & ADDRESS:

**Engineering Properties, PC
Client Escrow Account
110 Orange Avenue
Walden, NY 12586**

THANK YOU,

MYRA

L.R.04-17-07



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-56 TYPE: AREA TELEPHONE: 778-4093

APPLICANT:
Landmaster Harp, LLC
P.O. Box 452
Walden, NY 12586

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>1098</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK # 1099

~~~~~

| <u>DISBURSEMENTS:</u> |  | MINUTES<br>\$7.00 / PAGE | ATTORNEY<br>FEE |
|-----------------------|--|--------------------------|-----------------|
|-----------------------|--|--------------------------|-----------------|

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>5</u> | PAGES | \$ <u>35.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —        | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>6</u> | PAGES | \$ <u>42.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | —        | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 12/1/06      \$ 20.59

TOTAL:      \$ 97.59      \$ 70.00

~~~~~

ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 167.59

AMOUNT DUE: \$ _____

REFUND DUE: \$ 332.41

Cc:

L.R. 04-17-07



THE SENTINEL

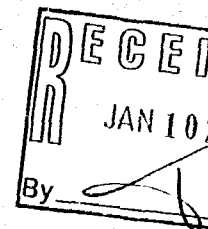
P.O. BOX 406
VAILS GATE, NY 12584

Date

12/14/2006

Bill To

TOWN OF NEW WINDSOR
555 UNION AVE
NEW WINDSOR, NY 12553



MM
P.O. No.

Terms

47424

Due on receipt

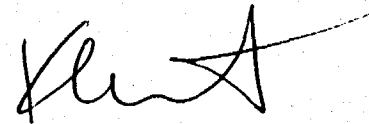
Issue Date	Description	PCS/Units
12/1/2006	LEGAL ADS: LANDMASTER HARP, LLC (06-56) 1 AFFIDAVIT	16.59 4.00
		Total

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218

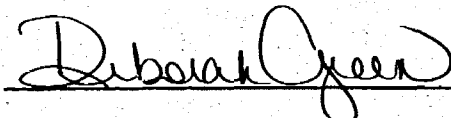
State of New York

County of Orange, ss:

Kathy Amanatides being duly sworn
disposes and says that she is
the Supervisor of Legal Dept. of the
E.W. Smith Publishing Company; Inc.,
a weekly newspaper published and of
general circulation in the Town of New
Windsor, Town of Newburgh and City
of Newburgh and that the notice of which
the annexed is a true copy was
published 1x in said newspaper,
commencing on
the 1 day of Dec A.D., 2006
and ending on the 1 day of Dec
A.D. 2006



Subscribed and shown to before me
this 3rd day of Jan, 2006 7.



Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
6903068
Commission Expires July 15, '07

My commission expires

PLEASE TAKE NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 06-56

Request of: **LANDMASTER HARP, LLC**
(Covington, Louisiana)

for a VARIANCE from the Zoning Official Law to

Permit:

Request for:

Dwelling Units: 10 ft. Side Yard Setback
10 ft. Rear Yard Setback
8.5 ft. Maximum Building Height

Sign:

2.5 sq. ft. Height
136.75 sq. ft. area

All at proposed Covington Est. on Rt. 300
(Temple Hill Rd) in an R-5 Zone (65-
2-1.1, 1.2 & 1.3)

PUBLIC HEARING will take place on DE-
CEMBER 11, 2006
at the New Windsor Town Hall, 555 Union Av-
enue, New Windsor, New York
beginning at 7:00 PM.

Michael Kane, Chairman

LANDMASTER HARP, LLC (COVINGTON ESTATES) (06-56)

Mr. Ross Winglovitz appeared before the board for this proposal.

MS. GANN: Request for dwelling units, 10 ft. side yard setback, 10 ft. rear yard setback, 8.5 maximum building height. Sign, 2.5 square foot height, 136.75 square foot area all at proposed Covington Estates on Route 300.

MR. WINGLOVITZ: Good evening, I'm Ross Winglovitz with Engineering Properties representing Landmaster Harp, LLC regarding Covington Estates. When we were last before the board in late September, I believe for our pre-application conference regarding several variances, one is a renewal or reapproval for a height variance that we received last July of 2005, we're requesting a height variance of 8.5 feet for interior units because these units are set into the hill. There will be two stories on the uphill sides, three stories on the downhill side. In this case, the downhill side faces the street which is the language that creates the need for the variance. We got a variance last July and we ask that the board to reapprove that. We also applied for variances for side and rear yard regarding decks. One of the things waiting for the water moratorium to end I'll be getting into a more detailed design here, we realized that a few of the units were going to need variances for decks, actually, there was a bunch more but we were able to move all the buildings in with the exception of building 20 and building 4 and a few little ones here or there. Those buildings will require variances for the decks cause they will be in the required yard, the one building 4 required yard is 100 feet, which is pretty significant. The decks will only be ten feet into that, we'll be approximately 90 feet from the property line and the other location was actually a large railroad right-of-way, this abuts our property so those decks will also be over 90 feet to

the nearest residential property. So it's a pretty significant setback that will still remain. In addition to that we applied also for a sign variance. The builder of this project and they are proposing a sign that would be in the median island as you come into the project, there was a copy of the sign that was submitted, this is pretty standard, they try to use this where they can, I kind of think of it more as a landscaping feature than a sign but once they erect it they will basically put brass letters on the sign stucco in green to match the buildings or whatever the buildings colors would be and then brass letters identifying Covington Estates that would be on the sign. And that's it.

MR. TORPEY: Can you repeat the whole thing one more time?

MR. BABCOCK: This project has received final approval subject to the moratorium being lifted from the planning board so they're ready to go, just they've got to wait for this moratorium and that's the time for the, for the height variance and during the process they didn't show decks I don't think on the first plan. When we seen it and once the deck's come on then we seen it and they moved all the buildings as much as they could except for the ones that you, that they talked about tonight.

MR. KRIEGER: Were the decks on when they got their approval from the planning board?

MR. WINGLOVITZ: Yeah, I think they were identified as decks or patios, then once we went through the more detail design we realized that some of the ones that are going to be in the setback will be decks and in those instances therefore would require a variance. If it was a patio, it wouldn't, if it was a deck, it was as we got into the details we realized where the change came into the variance.

MR. LUNDSTROM: Ross, did you say that building number 4 and number 20 were the only ones that--

MR. WINGLOVITZ: Yes, those are the larger ones. If you look along like building 91, it's not building but it's the address, street address, there's a couple feet, we jogged those where we could, we needed to maintain enough room from the front of the garage to the sidewalk, we wanted to have plenty of room for someone to park so there's plenty of room for the decks. And I think building 65 that deck goes two feet into the buffer.

MR. BABCOCK: If they move them forward anymore the cars are going to be sticking out in the road.

MR. WINGLOVITZ: It's all along the railroad right-of-way so it's not abutting any residential properties.

MR. KRIEGER: Are all the proposed decks approximately the same size?

MR. WINGLOVITZ: Yes.

MS. GANN: What's the size?

MR. WINGLOVITZ: Want to keep uniformity so they all look the same size, 10 x 10 or 12 x 12, I'm sorry, 10 feet from the building, 12 foot wide.

MR. BABCOCK: Not a big deck.

MR. KRIEGER: Now with these additions, none of these units will be impinging on any easements, is that correct?

MR. WINGLOVITZ: Correct.

MR. KRIEGER: They won't divert the flow of water drainage or create collection of water?

MR. WINGLOVITZ: Correct, plan has been designed to take that into consideration.

MR. KRIEGER: Will these additions if they're permitted these variances require the removal of trees or other substantial vegetation more so than the--

MR. WINGLOVITZ: No.

MR. KRIEGER: Now this sign will not be located in anyplace that would interfere with the safe operation of motor vehicles on the adjacent roadways?

MR. WINGLOVITZ: No, it will not, it's set back 25 feet from the roadway so a car will be able to pull, pass the sign to see both ways.

MR. KRIEGER: If it were not for the facade around the sign we're dealing strictly with the sign area would it still require a variance?

MR. WINGLOVITZ: I'd have to look at that.

MR. KRIEGER: I understand, if I understand correctly it's the town's position that the entire structure is used for measurement purposes?

MR. BABCOCK: It still would require a variance but much less of a variance.

MR. WINGLOVITZ: That's a true statement.

MR. TORPEY: How much longer is the moratorium?

MR. BABCOCK: We hope very shortly, they hope shorter than that.

MR. TORPEY: He'll be back.

MR. BABCOCK: No, I mean, I don't know that for a fact but what I understand it's real close, very close.

MR. LUNDSTROM: If this board were to grant approval for this, how long would the approval last if he did not start construction?

MR. BABCOCK: It's one year.

MR. LUNDSTROM: So you feel comfortable that within a year moratorium should be lifted?

MR. BABCOCK: Yeah, I understand we're close but I don't know what that means.

MR. KRIEGER: Yes, he thinks so but there are no guarantees or warranties.

MR. BABCOCK: Worst case scenario they'd have to come back here for the same variances again.

MR. WINGLOVITZ: I like to see you guys so that wouldn't be a bad thing.

MS. GANN: Mike, you think we covered everything?

MR. BABCOCK: Yes.

MS. GANN: Any other questions from the board? Is anyone here for this public hearing? Being as there is not, I'll close the public portion, ask Myra how many mailings.

MS. MASON: On November 28, I mailed out 84 envelopes and had no response.

MS. GANN: I'll accept a motion.

MR. LUNDSTROM: Madam Chair, before we do that, ask counsel do we need two motions or will one suffice because there are two items on the agenda?

MR. KRIEGER: No, you can make one motion if the variances as requested be granted. If that motion is denied, you would then have to do two separate motions.

MR. LUNDSTROM: With that in mind, I will make a motion that the variances requested be granted for Covington Estates project number 06-52 request for a 10 foot side yard setback, 10 foot rear yard setback, 8.5 foot maximum building height for the dwelling units and sign of 2.5 square foot height and 136.75 square foot area.

MS. GANN: You said 06-52, it's 06-56.

MR. LUNDSTROM: I stand corrected, thank you.

MR. TORPEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

LANDMASTER HARP (Covington Estates)

#06-56

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 28TH day of **NOVEMBER**, 2006, I compared the **84** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

11th day of December, 2006

Dorothy Green
Notary Public

DEBORAH GREEN
 Notary Public, State of New York
 Qualified in Orange County
 # 00000000000000000000000000000000
 Commission Expires July 15, 2007

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 06-56

Request of LANDMASTER HARP, LLC (Covington Estates)

for a VARIANCE of the Zoning Local Law to Permit:

Request for:

Dwelling Units: 10 ft. Side Yard Setback
10 ft. Rear Yard Setback
8.5 ft. Maximum Building Height

Sign: 2.5 sq. ft. Height
136.75 sq. ft. area

All at proposed Covington Est. on Rt. 300 (Temple Hill Rd) in an R-5 Zone (65-2-1.1, 1.2 & 1.3)

PUBLIC HEARING will take place on DECEMBER 11, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

October 27, 2006

Landmaster Harp, LLC

Re: 65-2-1.1, 65-2-1.2, 65-2-1.3

ZBA#: 06-56 (84)

Dear Mr. Winglovitz:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$105.00 minus your deposit of \$25.00.

Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

68-3-1
THOMAS &
KATHLEEN MANNING
44 CREEK RUN RD
NEWBURGH, NY 12550

35-5-32.1
JOHN GABRIEL
304 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

35-1-32.2
NICOLINA YASSAMAN
PO BOX 48
SOUTHFIELDS, NY 10975

35-1-65
EXPEDITO & ANA TAVARES
286 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

35-1-75.2
WILLIAM LONGCORE
CHRISTINE MACIEL
258 RILEY RD.
NEW WINDSOR, NY 12553

35-1-104
HOMIN, JOHN, FRANCES & JOHN
91 MERLINE AVE.
NEW WINDSOR, NY 12553

35-1-113
SAINTFORT & MARIE EMILE
432 OLD FORGE HILL RD.
NEW WINDSOR, NY 12553

35-1-114
ALMA MEDINA
428 OLD FORGE HILL RD.
NEW WINDSOR, NY 12553

35-1-115
MELANIO & DRUCILA LOPEZ
424 OLD FORGE HILL RD.
NEW WINDSOR, NY 12553

71-1-46
GLEN &
ANN MARIE MCGINNIS
99 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-47
DAWN &
KEVIN WANAMAKER
101 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-48
GERMAIN & MARIA QUIJANO
103 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-49
VINCENT KAYES
105 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-50,51
JOSIKA GOJKA
225 LAKESIDE RD.
NEWBURGH, NY 12550

71-1-53
SAMUEL & NORMA WILSON
111 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-54
PROFIRIO & SANDRA TORO
113 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-55
STEPHEN & LUCIA MONTONE
115 VAILS GATE HEIGHTS
NEW WINDSOR, NY 12553

71-1-56
JOHN & LINDA CANNA
117 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-57
MIGUEL & ESTELA MOLINA
ANGELA ORTEGA
119 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-58
CARMELO &
ANTOINETTE CONSENTINO
121 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-59
JOHN & ELLEN O'SULLIVAN
123 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-60
PETER LABARBERA
ANGELA LAURIA
125 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-61
JUSTO & LYDIA MALDONADO
127 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-1-62
DOLLY VINAS
129 VAILD GATE HEIGHTD DR.
NEW WINDSOR, NY 12553

71-1-64
DOMINICK & LUCILLE PARISI
53 HY VUE DR.
NEWBURGH, NY 12550

71-2-1.1, 1.21, 1.22, 1.23
NEW WINDSOR PROPERTIES
C/O PECK & HELLER
545 MADISON AVE. 11TH FLOOR
NEW YORK, NY 10022

71-2-19
KENNETH & DEBRA DAVIS
120 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-20
JOHN & LUZ MAHONEY
122 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-21
LYNNE MCGARRY
124 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-22
JEHAK & AEKYUNG CHUNG
126 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

WASHINGTON GREEN HOA
1500 WASHINGTON GREEN CLUB
HOUSE
NEW WINDSOR, NY 12553

65-1-27, 28, 31
RUBY NEMETH
PO BOX 81
VAILS GATE, NY 12584

65-2-42
ARTHUR STOCKDALE
1098 EGRET LAKE WAY
VIERA, FL 32940

CONTINENTAL MANOR I
P.O. BOX 697
VAILS GATE, NY 12584

65-1-35.11
ROBERT & ALICE STERLING
153 RILEY RD.
NEW WINDSOR, NY 12553

68-1-1
DANIEL & JENNIE SIMON
2 MERTES LANE
NEW WINDSOR, NY 12553

CONTINENTAL MANOR II
SPINNAKER MANAGEMENT
3111 STATE ROUTE 208
WALLKILL, NY 12589

65-1-35.12
EDWARD &
JACQUELINE TURENCHALK
149 RILEY RD.
NEW WINDSOR, NY 12553

68-1-2
BJS HOLDING, LLC
38 WEST 32ND ST.
SUITE 1201
NEW YORK, NY 10001

NY CENTRAL LINES, LLC
ATTN: CSX
500 WATER ST. (J-910)
JACKSONVILLE, FL 32202

65-1-36
GEORGE &
MILDRED GARRISON
143 RILEY RD.
NEW WINDSOR, NY 12553

68-1-6
QUINTINO &
MAXIMINA CRUZ
PO BOX 497
VAILS GATE, NY 12584

65-1-19.13, 22.2
COUNTY OF ORANGE
255 MAIN ST.
GOSHEN NY 10924

65-1-37
HUGH & DELORES KENNEDY
137 RILEY RD.
NEW WINDSOR, NY 12553

68-1-8, 9
FELICE &
CARMELA NAPOLITANO
62 MERTE LANE
NEW WINDSOR, NY 12553

65-1-22.1
JOSEPH &
MARITZA SALDORIGA
224 RILEY RD.
NEW WINDSOR, NY 12553

65-1-38
SECRETARY OF HOUSING & URBAN
DEVELOPMENT
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107

68-2-1
MARCIO FERNANDES
3 MERTES LANE
NEW WINDSOR, NY 12553

65-1-22.3
EDGAR & VALERIE DIAZ
200 RILEY RD.
NEW WINDSOR, NY 12553

65-1-87
ST. OF NY COMPTROLLER
ATTN: COLIN CAMPBELL
5TH FLOOR, A.E. SMITH BLDG.
ALBANY, NY 12236

68-2-2.1
MARCIA SHERWOOD
PO BOX 7041
NEWBURGH, NY 12550

65-1-25.1
MICHAEL &
PATRICIA ROBINSON
193 RILEY RD.
NEW WINDSOR, NY 12553

65-2-2
CENTRAL HUDSON G&E
C/O TAX AGENT
284 SOUTH AVE.
POUGHKEEPSIE, NY 12602

68-2-2.2
JAMES MCGRANE
PO BOX 7041
NEWBURGH, NY 12550

65-1-25.2
ELIZABETH CALLAHAN
189 RILEY RD.
NEW WINDSOR, NY 12553

65-2-3
RRMGNWH, LLC
940 SOUTH AVE.
WESTFIELD, NJ 07090

68-2-3
REYES & ELIAZAR SOLIS
39 MERTES LANE
NEW WINDSOR, NY 12553

65-1-26
DAVID FLORES
183 RILEY RD
NEW WINDSOR, NY 12553

65-2-41
IRACEMA CASTRO
PO BOX 496
VAILS GATE, NY 12584

68-2-9.2
MINUTEMAN MALL LLC
179 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

71-2-23
AMRIK SINGH
KAUR BALJINDER
73 GARDEN ST.
HYDE PARK, NY 12538

71-2-24
EDWARD & ANNE LAMB
130 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-25.2
TREVOR EKEH
134 VAILSGATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-26.1
PAUL NEDOROST
ZORIHILGA MERCADO
136 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-27
JAMES & SHIRLEY CASEY
138 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-28
LEONARD &
MARGARET BENEDETTO
PO BOX 4160
NEW WINDSOR, NY 12553

71-2-29
ADELINE GRACEY
934 DEERCREST CIRCLE
EVANS, GA 30809

71-2-30
BIBI OOMMEN
148 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-31
RICHARD &
ROSEMARY FORNERIS
150 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-32
GREGORY STEGURA
152 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-33
PAT & PATRICIA DURSI
154 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-34
LINDA PERKINS
156 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-35
JOSIKA & ANA GOJKA
225 LAKESIDE RD.
NEWBURGH, NY 12550

71-2-36
ABRAHAM ADAMS
78 VAILS GATE HEIGHTS DR.
UNIT 2300
NEW WINDSOR, NY 12553

71-2-38.2
SNY OMRDD
ATTN:COLIN CAMPBELL,
5TH FLOOR ALFRED E.SMITH
ALBANY, NY 12236

71-2-39
ANTONIO & MERIDA ROTELA
166 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-40
IDALIO SIMOES
86 DELMAR HILL RD.
SLATE HILL, NY 10973

71-2-41
PAUL SILKA
170 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-42
ANDREW PINDER
BRIGITTE MILLER
172 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-43
JOHN & JEANNINE LOFARO
174 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-44
JACK & AUDREY MOYER
176 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-45
CHARLES STRAUB
HEATHER HAWXHURST
178 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

71-2-46
ANGELITA ORTIZ
HILDA ARVELO
182 VAILS GATE HEIGHTS DR.
NEW WINDSOR, NY 12553

68-1-10, 7.1, 5, 4
P & J PROPERTIES, LLC
6 LEELAND AVE.
NEWBURGH, NY 12550



RESULTS OF Z.B. MEETING OF: December 1, 2006

PROJECT: Landmaster Harp (Covington Est.) ZBA # 06-56
P.B.#

P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y N

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ **N** _____

PUBLIC HEARING: **STATEMENT OF MAILING READ INTO MINUTES** ✓
VARIANCE APPROVED: M) Lu S) 1 VOTE: A N .

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	

CARRIED: Y ☒ N

[illegible]

December 11, 2006

PRELIMINARY MEETINGS

LANDMASTER_HARP,_LLC_(06-56)

Mr. Ross Winglovitz appeared before the board for this proposal.

MR. KANE: Request for dwelling units, 10 ft. side yard setback, 10 ft. rear yard setback, 8.5 maximum building height, sign, 2.5 sq. ft. height and 136.75 sq. ft. area all at proposed Covington Estates on Route 300.

MR. WINGLOVITZ: Good evening, I'm Ross Winglovitz with M.J. Properties representing Landmaster Harp this evening. We were here before the board and received a height variance, I'll take it one at a time, I guess I'll start with height. Last July we made a presentation in June, we were set for a public hearing in July, had our hearing, the height variance related to the interior units on the plan because of the topo and the way the units are set into the hill based on a technical reading of the ordinance a height variance of up to 8.5 feet for a total height of 43.5 feet will be required to construct those units. Nothing has changed on that other than it's been a year and our variance expired I guess in July 25.

MR. KANE: That's why you're back here.

MR. WINGLOVITZ: That's why we're back here for the height variance. When we met with Michael, we were moving further along with architecture and looking at the plans, couple other variances were identified and those are the two additional variances that were also requested. One is for the sign, the sign area is larger than permitted. This is Jim Baumgartner. There's a really nice entry feature which is a basically a stone entry sign, all stone work in cap blocks, they put a little standing sign, I don't know what you'd call it, roof on top, caps on top, yes, and

October 23, 2006

4

basically the sign is to code to match the building then it's usually brass letters I think is what they do put in there, whatever the name of the project's going to be, in this instance, it basically will be a stucco background, Covington Estates in brass letters on it.

MR. KANE: Total height of the sign?

MR. WINGLOVITZ: Total height of the sign is 6 feet in the center but the ends are a little bit higher, the main part of it is 6 feet, the ends I think are going to be about 2 1/2 foot higher so--

MR. KANE: We go with the highest point, is that correct?

MR. BABCOCK: That's correct.

MR. WINGLOVITZ: We had 8.5 because that was the top.

MR. KANE: 8.3 he just wants to make sure.

MR. BABCOCK: Yeah, we rounded it to 8.5 and that's why they need a 2.5, they're allowed 6.

MR. KANE: We're just sure of the numbers then.

MR. BABCOCK: Yes.

MR. KANE: Did you guys note that it's 8.5 not 8.3 on the total height, if you look on the entry wall sheet? Any illumination in the sign?

MR. WINGLOVITZ: No, there's no internal illumination, they may spot it from the exterior onto the sign.

MR. KANE: Is the sign going to block the vision of any vehicles entering or exiting or coming down the road?

MR. WINGLOVITZ: No, it's actually set into the project

October 23, 2006

5

site on the project property so also room the sign is back here, it's hard to tell but it's about 25 feet back from the edge of the road so a car can pull up beyond it and see in each direction.

MR. KANE: Okay.

MR. WINGLOVITZ: And they'd like to get the variance for that area because they want to have consistency in all their projects, this is actually the smaller of the signs that they're doing.

MR. KANE: You're going to have double faced?

MR. WINGLOVITZ: Yes. The last variance is the variance for the decks that we applied for. We worked through the site plan approval, we have conditional site plan approval for the project, we did start working out the architecture, the building jogs and so forth and found out that on our reading of the ordinance which was different than Michael's that we may need a variance for the decks. We read in the zoning that decks were permitted into the yard as long as they were no more than three foot difference than the average grade in front of building. Mike has never interpreted it that way, in fact, he interpreted it differently, we said we'd just rather come for a variance.

MR. KANE: Decks being back yard decks?

MR. BABCOCK: Rear yard decks, yes.

MR. KANE: I've got to stay thank you because we see developers come in and they sell the property and everybody comes in to put a deck and they've got 5 steps coming down this big and they say handle it later on. I'd rather see it taken care of en masse up front.

MR. WINGLOVITZ: We jogged the buildings around so we

October 23, 2006

6

got rid of the, all the need for variances around the building front, there's a foot or two on one building here, building I guess it's 91, 65 there's a couple feet that they make into the yard and the real problem ones are buildings 20 on Revolutionary Way and because of the way those buildings are laid out and trying to keep the consistency between the buildings all of those decks are going to be into the setback so these are the real ones that really have--

MR. KANE: I'm real happy to see it being taken care of up front rather than individually.

MR. BABCOCK: We probably should of picked that up a while ago but we didn't so they have to come back to renew the height.

MR. WINGLOVITZ: And we have a hundred foot buffer here on this side we're requesting to go up to 90 so I don't think there's a problem.

MR. KANE: On the rear yard setbacks cutting down anymore substantial trees or it's not going to involve anything else than what's already been cut down to put the buildings?

MR. WINGLOVITZ: Correct, the latter.

MR. LUNDSTROM: You said that you were here before on the stuff for the inside, are you coming back for the same building? If so, what portions have been completed, what hasn't been completed?

MR. WINGLOVITZ: None of the site work has been completed, we have conditional site plan approval subject to lifting of the water moratorium basically.

MR. KANE: Yeah, they had gotten the building height variance about a year ago, didn't build within a year, gotta come back.

October 23, 2006

7

MR. LUNDSTROM: Just wanted to make sure they didn't build anything or build part of it.

MR. KANE: All right, I'll accept a motion to set him up for a public hearing.

MR. LUNDSTROM: On all three items?

MR. KANE: Yes.

MR. LUNDSTROM: I will make that motion.

MS. LOCEY: I'll second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: October 23, 2006

PROJECT: Covington Estates ZBA # 06-56
P.B.#

P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M)_____S)_____ VOTE: A___N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y____N____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M)_____S)_____ VOTE: A_____N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) L S) L VOTE: A N

~~GANN~~
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: **M)**___ **S)**___ **VOTE:** **A**___ **N**___.

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____N_____.

[illegible]

Meeting 10-23-06

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 01-41

DATE: 10-20-2006

APPLICANT:

Land Master Harp, LLC
940 South Avenue
Westfield, NJ 07091

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: MARCH 23, 2001

FOR: SITE PLAN

LOCATED AT: Route 300

ZONE: R-5

DESCRIPTION OF EXISTING SITE: SEC: 65 BLOCK: 2 LOT: 1.1, 1.2, & 3

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Height Variances for Units #14, 20, 26, 32, 40, 58, 66, 72, 78 & 84 on Iron Forge Lane and
Units #23, & 29 on Covington Road.
(permitted height 35 ft.; proposed height 41.5 ft; 6.5 ft. variance requested.

TOWN OF NEW WINDSOR CODE: Bulk Regulations

Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

TOWN OF NEW WINDSOR **REQUEST FOR NOTIFICATION LIST**

CHECKED BY MYRA: 10-24-2006 mm

DATE: 10-24-06

PROJECT NUMBER: ZBA# 06-56 P.B. # _____

APPLICANT NAME: **LANDMASTER HARP, LLC**

PERSON TO NOTIFY TO PICK UP LIST:

ENGINEERING PROPERTIES, P.C. (ROSS WINGLOVITZ)

110 ORANGE AVENUE

WALDEN, NY 12586

TELEPHONE: 778-4313 (ROSS WINGLOVITZ)

TAX MAP NUMBER: SEC. 65 BLOCK 2 LOT 1.1

SEC. 65 BLOCK 2 LOT 1.2

SEC. 65 B LOCK 2 LOT 1.3

PROPERTY LOCATION: NYS ROUTE 300

NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET _____)

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT)

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

[illegible]

AMOUNT OF DEPOSIT: **25.00** CHECK NUMBER: **1100**

TOTAL CHARGES: _____



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

8/22/06

Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

- I. **Owner Information:** Phone Number: (845) 778-4093
LANDMASTER HARP, LLC Fax Number: (845) 778-1839
(Name) P.O. BOX 452 WALDEN, NY 12586
(Address)
- II. **Applicant:** Phone Number: (845) 778-4093
LANDMASTER HARP, LLC Fax Number: (845) 778-1839
(Name) P.O. BOX 452 WALDEN, NY 12586
(Address)
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()
(Name)
(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 778-4313
Fax Number: (845) 778-4669
ENGWEERING PROPERTIES, P.C.
(Name) 110 ORANGE AVE. WALDEN, NY 12586
(Address)
- V. **Property Information:**
Zone: R-5 Property Address in Question: NYS ROUTE 300
Lot Size: 21.6 AC Tax Map Number: Section 65 Block 2 Lot 1.1, 1.2, 3
a. What other zones lie within 500 feet? PI, R4, C
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? 2005
d. Has property been subdivided previously? YES If so, When: 5/27/88
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	35	25	10
Reqd. Rear Yd.	100	90	10
Reqd. St Front*			
Max. Bldg. Hgt.	35	43.5	8.5
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

SEE ATTACHED

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

Application for Variance

IX.

- 1) An undesirable change will not be produced in the character of the neighborhood and there will not be a detriment to nearby properties if the area variance is granted because the surrounding properties currently contain buildings that have a height of greater than 35 feet. Also, any proposed buildings requiring variances have been placed on the inside of the loop and will not be visible by residents outside the project. Only four decks will be located within the required rear yard and seven in the side yard. The side yard also contains a railroad right-of-way and therefore the nearest deck to a residential property line will be over 90 feet for either the rear yard or side yard variance requested.
- 2) Based on current market conditions, it would be difficult to achieve the benefit by some method other than an area variance. Economic demands in the area call for larger homes which result in the taller buildings, and more private outdoor amenities like a deck.
- 3) The requested area variance is not substantial. We are requesting a variance of 8.5 feet from the maximum building height and 10 feet from the side and rear yard.
- 4) A variance in building height will not cause any additional impact on physical or environmental conditions in the neighborhood as the buildings are not visible. The side and rear yard variance will not have an additional impact to the environment as they are small in mass and scale when compared to the main structure.
- 5) The alleged difficulty is self-created.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section 300 - 45 B, Supplementary Sign Regulations

	Requirements	Proposed or Available	Variance Request
Sign #1	40 FT ² 6 FT ABOVE GRADE	156.75 FT ² 8.25 FT ABOVE GRADE	116.75 FT ² 2.25 FT
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

PULTE HOMES HAS USED THIS SIZE FOR ALL OTHER PROJECTS
AND WE FEEL IT HAS BEEN TASTEFULLY DONE.
THE STONE WORK USED AROUND THE SIGN CAN BE
CONSIDERED AS MORE LANDSCAPING AND DECORATION
THAN ACTUAL SIGNAGE.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs 156.75 FT² ?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
SITE PLAN INCLUDES TREE PLANTING, LANDSCAPED AREAS,
AND CURBS, AND HAS BEEN EXTENSIVELY REVIEWED BY THE
PLANNING BOARD.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- * ☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

* Need (4) Four Plans
as submitted for referral.

XIV. AFFIDAVIT.

STATE OF NEW YORK)

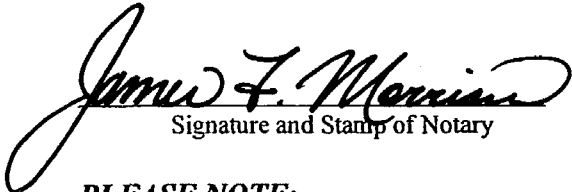
) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

22nd day of August 2006.


Signature and Stamp of Notary


Owner's Signature (Notarized)

DAVID WEINBERG

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

JAMES F. MORRISON
Notary Public, State of New York
No. 01M06107801
Qualified in Orange County
Term Expires April 12, 2008

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

LANDMASTER HARP, deposes and says that he resides
(OWNER)
at P.O. BOX 452 WALDEN, NY 12586 in the County of ORANGE
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map
(Sec. 65 Block 2 Lot 1-1)
designation number (Sec. 65 Block 2 Lot 3) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

ENGINEERING PROPERTIES, PC 110 ORANGE AVE. WALDEN, NY 12586
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 8/22/06

**

[Signature]
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
22nd day of August 2006

[Signature]
Applicant's Signature (If different than owner)

[Signature]
Signature and Stamp of Notary

[Signature]
Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

JAMES F. MORRISON
Notary Public, State of New York
No. 01MO6107801
Qualified in Orange County
Term Expires April 12, 2003

** PLEASE NOTE:

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)

101.01

ZBA



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PROJECT I.D. NUMBER

617.21

SEQR

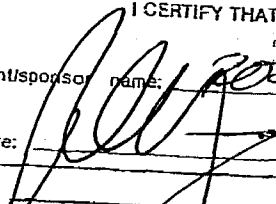
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR LANDMASTER HARP, LLC	2. PROJECT NAME COVINGTON ESTATES
3. PROJECT LOCATION: Municipality TOWN OF NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) NYS ROUTE 300, SECTION 65 - BLOCK 2 - LOTS 1.1, 1.2, + 3.0. BORDERED TO THE WEST BY NYS 300, TO THE EAST BY CONSOLIDATED RAILROAD TRACKS.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: PROPOSED CONSTRUCTION OF 124 MULTI-FAMILY UNITS, AND ASSOCIATED ROADWAYS AND UTILITIES.	
7. AMOUNT OF LAND AFFECTED: Initially 16.94 acres Ultimately 16.94 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly WAIVER WILL BE NEEDED FOR REQUIRED SIDEYARD, REQUIRED REAR YARD, MAXIMUM BUILDING HEIGHT, AND SIGN REQUIREMENTS.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals OCHA - READY SUBDIVISION, WATER MAIN EXTENSION NYSDEC - SUPPLY, SEWER MAIN EXTENSION, WETLANDS PERMIT.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: ROSS WINGLOVITZ	Date: 10/23/06
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

☒ DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☐ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

 Name of Lead Agency

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (If different from responsible officer)

 Date

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 10-18-2006

FOR: 06-56 ESCROW

FOR / FROM:

Landmaster Harp, LLC
P.O. Box 452
Walden, NY 12586

CHECK FROM:

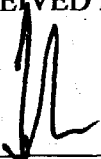
Engineering Properties, PC
Client Escrow Account
110 Orange Avenue
Walden, NY 12586

CHECK NUMBER: 1099

TELEPHONE: 778-4313

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

10/20/06

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA-[#]06-56 Application Fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#836-2006

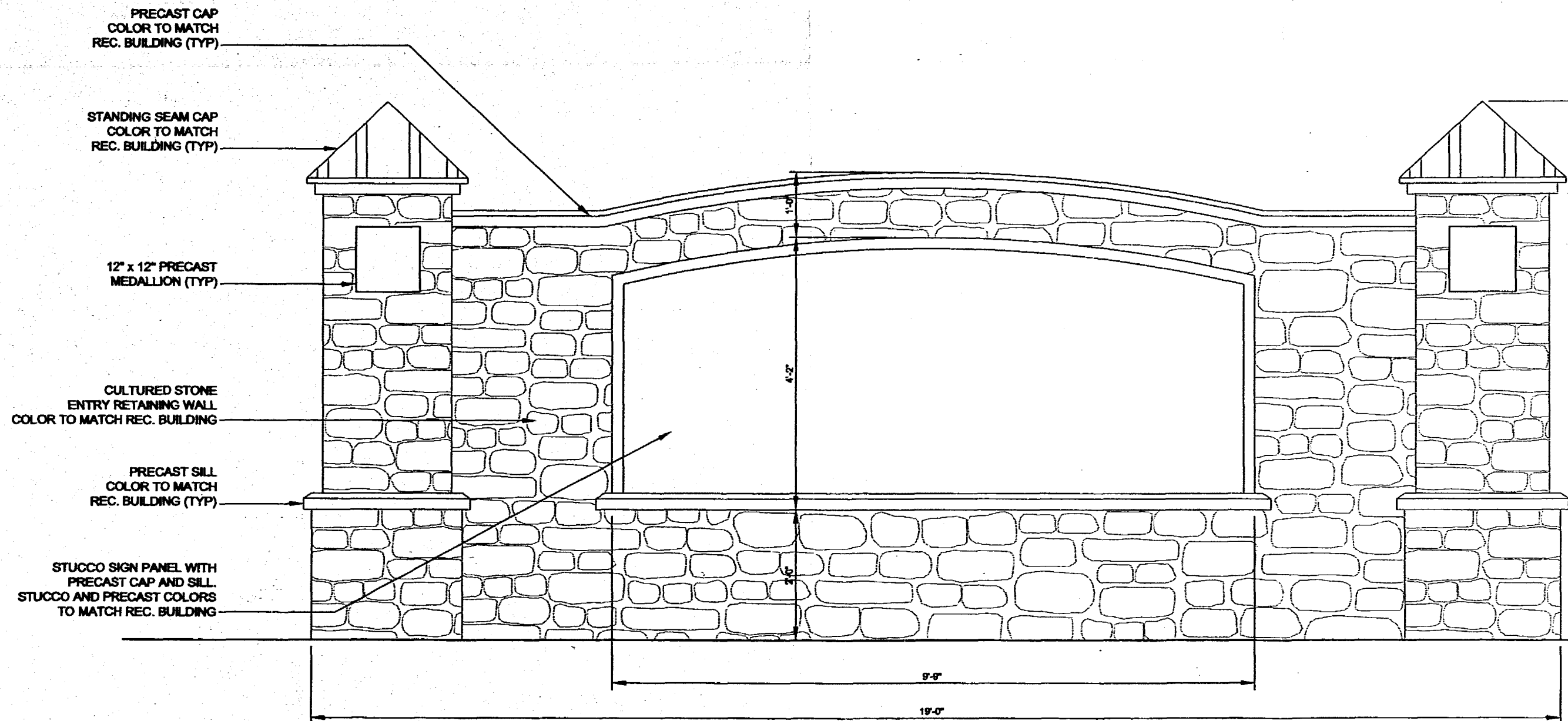
10/20/2006

Engineering Properties P C

Received \$ 150.00 for Zoning Board Fees, on 10/20/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



ENTRY WALL

SCALE: NTS